

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TECHFIELDS PHARMA CO., LTD.,

Plaintiff,

v.

COVANCE, INC., et al.,

Defendants.

Civil Action No. 16-1148 (RK) (JBD)

ORDER

THIS MATTER comes before the Court upon Motions for Summary Judgment filed by Defendants Covance, Inc. (“Covance”) and Fisher Clinical Services, Inc. (“Fisher” or “FCS”) (collectively, “Defendants”). (ECF Nos. 212, 221.) On March 6, 2024, the Court ruled on Defendants’ summary judgment motions as to Defendants’ liability but determined that resolving Defendants’ damages arguments at that time would have been premature. Accordingly, the Court reserved ruling on Defendants’ motions as to the damages claims brought by Plaintiff Techfields Pharma Co., Ltd., (“Techfields”). (ECF Nos. 311, 312.) As discussed with the parties at a telephone conference held on March 19, 2024, the Court now addresses Defendants’ damages arguments. The Court has reviewed the parties’ submissions and decides the motions without oral argument pursuant to Fed. R. Civ. P. 78(b) and L. Civ. R. L. Civ. R. 78.1(b). For the reasons set forth below in the Opinion filed on this date, and for other good cause shown,

IT IS on this 14th day of May, 2024,

ORDERED that Fisher’s Motion for Summary Judgment is **DENIED** as to the enforceability of the limitation of liability provision in the MCSA and **GRANTED** as to Techfields’ claim for punitive damages;

ORDERED that Covance's Motion for Summary Judgment is **DENIED** as to the enforceability of the limitation of liability provision in the CSA and as to the application of the New Business Rule;

ORDERED that the Court **RESERVES RULING** on Defendants' arguments that Techfields' claim for damages based on lost profits is impermissibly speculative until after the Court makes a ruling on the admissibility of Mr. Baresciano's expert report, opinions, and testimony following a hearing on Defendants' *Daubert* Motions.



ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE